

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHESTER HARDY,

Plaintiff,

No. 11-CV-13072

Hon. Gerald E. Rosen

v.

DEBRA SCUTT, et al.,

Defendants.

OPINION AND ORDER DENYING APPLICATION TO
PROCEED ON APPEAL WITHOUT PREPAYING FEES OR COSTS

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on September 30, 2015

PRESENT: Honorable Gerald E. Rosen
United States District Chief Judge

Plaintiff Chester Hardy brought this § 1983 prisoner civil rights suit against various Michigan Department of Corrections officials and prison health care providers claiming they were deliberately indifferent to his need for cataract surgery in violation of his Eighth Amendment right to be free from cruel and unusual punishment. On February 23, 2015, the Court dismissed Plaintiff's case, in its entirety, and certified that any appeal would be frivolous and not in good faith. [*See* Dkt. # 72, Opinion and Order, and Dkt. # 73, Judgment]. Plaintiff has filed a notice of appeal. Plaintiff has also filed an application to proceed on appeal without

prepaying fees or costs. The Court finds that this application is MOOT in light of the Court's previous certification that an appeal of this matter would be frivolous and not in good faith. Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Application to Proceed on Appeal Without Prepaying Fees or Costs [**Dkt. # 83**] is DENIED.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: September 30, 2015

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on September 30, 2015, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5135